

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Home Department – Allegation of deliberate destruction and screening of evidence in a Murder case against Sri Md.Habeeb Khan, Sub-Divisional Police Officer, Godavarikhani of Karimnagar District – Sanction for Prosecution – Orders – Issued.

HOME (LEGAL.II) DEPARTMENT

G.O.Ms.No 81

Dated: 11.03.2013
Read the following:

1. From the D.G.P., A.P., Hyd, Lr.Rc.No. 215/O2/2010, dt: 02.02.2011 along with the letter in C.No. 3402/C-15/CID/2010 of Additional DGP, CID, A.P., Hyderabad, dated: 07.01.2011
2. Govt.Memo.No.5803Legal.II/A2/2011-1, dated: 25.03.2011
3. Letter in C.No. 3402/C-15/CID/2010 of Additional DGP, CID, A.P., Hyderabad, dated: 16.04.2011.

ORDER:

Whereas, Sri Md.Habeeb Khan (A-4) the Sub-Divisional Police Officer, Godavarikhani, Sub-Division, Karimnagar District joined as Reserve Sub-Inspector in the year 1985 and on conversion as civil Sub-Inspector in Police Department, Department of Home, Government of Andhra Pradesh and as been working as Sub-Division of Police Officer, Godavarikhani from 11.11.2009 and as such he is a Public Servant within the meaning of section 21 of the Indian Penal Code, 1860 and he is not removable from his office save by order and sanction of the Government and as such governed by direction for prosecution of public servant envisaged under section 197 of the Code of Criminal Procedure, 1973;

2. And whereas, it is reported by the Additional Director General of Police, Crime Investigation Department, Andhra Pradesh, Hyderabad, reported that the investigation in Cr.No. 37/2010 under section 302 of the Indian Penal Code, 1860 and 27 of Indian Arms Act of Gadavarikhani II Town Police Station was entrusted to CID by the Director General of Police, Andhra Pradesh, Hyderabad, and accordingly the same has been entrusted to Sri A.Venkateshwara Rao, Superintendent of Police, CID, GOW, Hyderabad as the investigating officer by the Addl. Director General of Police, CID, Andhra Pradesh, Hyderabad;

3. And whereas, the investigation conducted by CID, disclosed that Sri Md.Habeeb Khan (A-4) while working as Sub-Divisional Police Officer, received information that one Police Constable Erragolla Ramesh, of Godavarikhani I town Police Station was found dead at OCP-III, CHP Bunker Godavarikhani in between 1930 hrs 2000 hrs, on 09.02.2010 and that on receiving the information he rushed to the spot at OCP III CHP, Bunker Godavarikhani along with A.Vidyasagar (A-3), and M.Venkataramana (A-5), and inspected the body of the deceased physically and though the cause of death of the deceased was due to fire arm injury he concluded the case of death of deceased was due to road accident, shifted to the Government Area Hospital, Godavarikhani and thereafter Sri Md.Habeeb Khan (A-4) meddled with the injury by cleaning the face of the deceased and thus destroyed the evidence of murder and that he suppressed the fact of the death due to fire arm injury and further instructed Sri A.Vidyasagar (A-3) CI, Ramagundam Traffic PS to register the case under section 304-A of the Indian Penal Code, 1860 and as per his instructions, Sri A.Vidyasagar (A-3) registered a case in Cr.No. 25/2010 under section 304-A of the Indian Penal Code, 1860 and by his superficial supervision got conducted perfunctory investigation into the offence and he being a responsible supervisory Police Officer colluded with the other accused Sri S.Rajendra Prasad (A-2), Sri A.Vidyasagar (A-3) and M.Venkataramana (A-5) facilitated the accused Buggala Srinivas (A-1) and thereby to escape from the charge of murder has failed to asses the cause of death of the deceased and properly advise his subordinates, he pressurized and prevailed upon the Government Doctors Dr.M.Satyanarayana Reddy (A-6) and Dr.N.Srinivas (A-7) to conduct superficial postmortem examination though the injury sustained by the deceased was due to a fire arm;

And whereas, the investigation further disclosed that Sri Md.Habeeb Khan, (A-4) is liable for destruction and screening of evidence and that the offences are punishable under sections 201, 217 and 218 read with section 34 of the Indian Penal Code, 1860;

Cont...

And whereas, the Government of Andhra Pradesh after carefully examining the report of the Crime Investigation Department is satisfied and consider that Sri Md.Habib Khan, (A-4) should be prosecuted in the competent court of Law for the above mentioned offences;

Now, therefore in exercise of the powers conferred by clause (b) sub-section (1) of section 197 of the Code of Criminal Procedure, 1973 (Act No.2.,of 1974), the Government of Andhra Pradesh hereby accord sanction for prosecution of Sri Md.Habib Khan, (A-4) for the offences punishable under sections 201, 217 and 218 read with section 34 of the Indian Penal Code, 1860 and for any other cognizable offence arise on the same facts punishable under the provisions of law in discharge of his official duties and for taking cognizance of the same by the Court of competent jurisdiction.

Further in exercise of powers conferred by sub-section (4) of section 197 of the Code of Criminal Procedure, 1973 (Act 2 of 1974) the Government of Andhra Pradesh hereby authorize the Superintendent of Police, CID/GOW/Hyderabad to prosecute the above mentioned accused for the above said offences in the court of competent jurisdiction.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

T.P.DAS
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director Genera of Police, A.P., Hyderabad

Copy to:
The Law (E) Department
The P.S to Secretary (LA & J) Department
The P.S to Prl.Secy, Home Department.
C.No. 5803/Legal.II/A2/2011
SF/SC.